

PATENT  
ATTORNEY DOCKET NO. 50304/112001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Saint-Remy et al. Confirmation No.: 9175  
Serial No.: 10/566,851 Art Unit: 1644  
371(c) Date: February 1, 2006 Examiner: Michael E. Szperka  
Customer No.: 21559  
Title: VARIABLE ANTIBODIES

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Under 37 C.F.R. § 1.181, Applicants hereby petition to have the Notice of Abandonment that was sent electronically in connection with the above-captioned case on October 6, 2008 withdrawn. A copy of the Notice is enclosed. According to the Notice, the application was abandoned under 37 C.F.R. § 1.135 for Applicants' failure to reply to an Office letter (i.e., Restriction Requirement) that was mailed on January 25, 2008. As explained below, a Reply to the January 25, 2008 Restriction Requirement was timely filed on February 27, 2008 with a one-month Petition for Extension of Time.

Applicants note to the Office that the Reply to Restriction Requirement and the Petition for Extension of Time filed on February 27, 2008 contained a minor typographical error in one digit of the Application Serial Number, i.e., the Serial Number was listed as 10/556,851, rather than the correct Serial Number 10/566,851. All the other information identifying the application for which the Reply to Restriction Requirement and Petition for Extension of Time were filed on February 27, 2008 was correct. In particular, the documents correctly set forth the Applicants' names (Saint-Remy et al.), the 371(c) date (February 1, 2006), the Confirmation Number (9175), the Art Unit (1644), the Examiner's name (Michael E. Szperka), and the title of the application ("Variable Antibodies").

The Reply to Restriction Requirement and Petition for Extension of Time filed on February 27, 2008 were received by the U.S.P.T.O. and uploaded onto the PAIR Image File Wrapper of Application Serial No. 10/556,851 (see, printout of the PAIR Image File Wrapper of Serial No. 10/556,851 (Exhibit 1) and copies of the February 27, 2008 Reply to Restriction Requirement and Petition for Extension of Time downloaded from the PAIR Image File Wrapper of Serial No. 10/556,851 (Exhibit 2)). The February 27, 2008 Reply to Restriction Requirement and Petition for Extension of Time downloaded from the PAIR Image File Wrapper of Serial No. 10/556,851 bear the U.S.P.T.O. stamp indicating receipt by the U.S.P.T.O. on March 3, 2008. Applicants submit that the copies of the February 27, 2008 Reply to Restriction Requirement and Petition for Extension of Time downloaded from the PAIR Image File Wrapper of Serial No. 10/556,851 show that the Reply to the January 25, 2008 Restriction Requirement was timely filed.

Further, M.P.E.P. § 711.03(c)(I)(B) states:

[A]pplicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been abandoned for failure to reply to a first Office Action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then holding of abandonment should be withdrawn upon the filing of a petition to withdraw holding of abandonment.

Enclosed, as Exhibit 3, is a copy of the return postcard listing the Reply to Restriction Requirement, the Petition for Extension of Time, and the check in the amount of \$60.00 for the required extension fee. This postcard was included with Applicants' February 27, 2008 Reply. The return postcard bears the U.S.P.T.O. stamp indicating receipt of the items listed on the postcard by the U.S.P.T.O. on March 3, 2008. Further, the Reply and Petition for Extension of Time were filed on February 27, 2008 in accordance with the Certificate of Mailing procedure under 37 C.F.R. § 1.8 and thus should be considered timely filed.

In accordance with M.P.E.P. § 503, the postcard clearly identified and itemized the items for which a receipt was requested. As such, Applicants submit that this postcard receipt provides *prima facie* evidence that the Reply to the January 25, 2008 Restriction Requirement was timely filed.

Moreover, Applicants submit, that the check (i.e., Check No. 7541) filed with the Petition for Extension of Time on February 27, 2008 and listed on the postcard, was cashed by the U.S.P.T.O. Enclosed, as Exhibit 4, is a copy of the canceled Check No. 7541 in the amount of \$60.00. As such, Applicants submit that the canceled check further provides evidence that the Reply to the January 25, 2008 Restriction Requirement was timely filed.

Finally, enclosed is a courtesy copy of Applicants' February 27, 2008 Reply and Petition for Extension of Time.

For all the above reasons, Applicants submit that the Reply and Petition for Extension of Time were timely filed and request that the Notice of Abandonment be withdrawn.

This Petition is being filed within two months of the notification date of the Notice of Abandonment.

Applicants also resubmit the Information Disclosure Statement filed on February 27, 2008 in the above-captioned case. Applicants filed an Information Disclosure Statement, Forms PTO-1449, and 42 references in the above-captioned case on February 27, 2008, as indicated on the stamped postcard receipt (Exhibit 3).

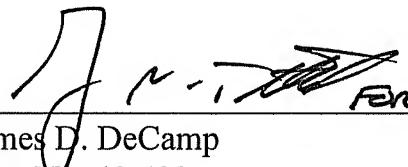
Applicants note that the Forms PTO-1449 filed on February 27, 2008 also contained a typographical error in one digit of the Application Serial Number, i.e., the Serial Number was listed as 10/556,851, rather than the correct Serial Number 10/566,851. The other identifying information for the present application as listed on the February 27, 2008 Information Disclosure Statement was correct. Applicants submit that the Information Disclosure Statement, Forms PTO-1449, and 42 references filed on

February 27, 2008 were received by the U.S.P.T.O. and uploaded onto the PAIR Image File Wrapper of Application Serial No. 10/556,851 (see, printout of the PAIR Image File Wrapper of Serial No. 10/556,851 (Exhibit 1) and copies of the February 27, 2008 Information Disclosure Statement and Forms PTO-1449 downloaded from the PAIR Image File Wrapper of Serial No. 10/556,851 (Exhibit 5)). The February 27, 2008 Information Disclosure Statement and Forms PTO-1449 downloaded from the PAIR Image File Wrapper of Serial No. 10/556,851 also bear the U.S.P.T.O. stamp indicating receipt by the U.S.P.T.O. on March 3, 2008. Applicants resubmit the Information Disclosure Statement, Forms PTO-1449, and the 42 references filed on February 27, 2008 (courtesy copies enclosed).

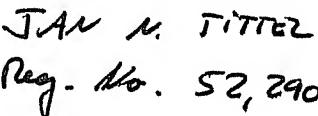
If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 14 October 2008

  
\_\_\_\_\_  
James D. DeCamp  
Reg. No. 43,580

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

  
\_\_\_\_\_  
James M. Titter  
Reg. No. 52,290



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,851	02/01/2006	Jean-Marie Saint-Remy	50304/112001	9175
21559	7590	10/06/2008	EXAMINER	
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110		SZPERKA, MICHAEL EDWARD		
		ART UNIT		PAPER NUMBER
		1644		
		NOTIFICATION DATE		DELIVERY MODE
		10/06/2008		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[patentadministrator@clarkelbing.com](mailto:patentadministrator@clarkelbing.com)

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/566,851	SAINT-REMY ET AL.	
	Examiner	Art Unit	
Michael Szperka		1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 25 January 2008.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

/Michael Szperka, Ph.D./  
Primary Examiner, Art Unit 1644

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Exhibit 1

10/556,851	External patch containing estrogen and/or progestogen	10-12- 2008::17:41:14
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**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.**

**Bibliographic Data**

Mail Room Date	Document Code	Document Description	Document Category	Page Count
03-03-2008	ELC.	<b>Response to Election / Restriction Filed</b>	PROSECUTION	3
03-03-2008	FOR	Foreign Reference	PRIOR ART	13
03-03-2008	FOR	Foreign Reference	PRIOR ART	151
03-03-2008	FOR	Foreign Reference	PRIOR ART	55
03-03-2008	XT/	Extension of Time	PROSECUTION	2
03-03-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
03-03-2008	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	4
03-03-2008	NPL	NPL Documents	PRIOR ART	5
03-03-2008	NPL	NPL Documents	PRIOR ART	3
03-03-2008	NPL	NPL Documents	PRIOR ART	3
03-03-2008	NPL	NPL Documents	PRIOR ART	4
03-03-2008	NPL	NPL Documents	PRIOR ART	12
03-03-2008	NPL	NPL Documents	PRIOR ART	7
03-03-2008	NPL	NPL Documents	PRIOR ART	11
03-03-2008	NPL	NPL Documents	PRIOR ART	10
03-03-2008	NPL	NPL Documents	PRIOR ART	17
03-03-2008	NPL	NPL Documents	PRIOR ART	11
03-03-2008	NPL	NPL Documents	PRIOR ART	8
03-03-2008	NPL	NPL Documents	PRIOR ART	2
03-03-2008	NPL	NPL Documents	PRIOR ART	7
03-03-2008	NPL	NPL Documents	PRIOR ART	5
03-03-2008	NPL	NPL Documents	PRIOR ART	12
03-03-2008	NPL	NPL Documents	PRIOR ART	6
03-03-2008	NPL	NPL Documents	PRIOR ART	5
03-03-2008	NPL	NPL Documents	PRIOR ART	6
03-03-2008	NPL	NPL Documents	PRIOR ART	9
03-03-2008	NPL	NPL Documents	PRIOR ART	1
03-03-2008	NPL	NPL Documents	PRIOR ART	5
03-03-2008	NPL	NPL Documents	PRIOR ART	9
03-03-2008	NPL	NPL Documents	PRIOR ART	7
03-03-2008	NPL	NPL Documents	PRIOR ART	10
03-03-2008	NPL	NPL Documents	PRIOR ART	12
03-03-2008	NPL	NPL Documents	PRIOR ART	5
03-03-2008	NPL	NPL Documents	PRIOR ART	4
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03-03-2008	NPL	NPL Documents	PRIOR ART	11
03-03-2008	NPL	NPL Documents	PRIOR ART	5
03-03-2008	NPL	NPL Documents	PRIOR ART	6

03-03-2008	NPL	NPL Documents	PRIOR ART	11
03-03-2008	NPL	NPL Documents	PRIOR ART	15
04-04-2007	RETMAL	Mail returned to USPTO as undelivered	PROSECUTION	2
03-22-2007	NTC.PUB	Notice of Publication	PROSECUTION	1
01-16-2007	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
12-15-2006	APP.FILE.REC	Filing Receipt	PROSECUTION	3
12-15-2006	M903	Notice of DO/EO Acceptance Mailed	PROSECUTION	2
12-14-2006	NTC.PUB.DATE	Notice of New or Revised Publication Date	PROSECUTION	1
12-13-2006	IMIS	Miscellaneous Internal Document	PROSECUTION	1
12-13-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
12-13-2006	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1
10-19-2006	371P	Documents submitted with 371 Applications	PROSECUTION	5
10-19-2006	LET.	Miscellaneous Incoming Letter	PROSECUTION	2
10-19-2006	N417	EFS Acknowledgment Receipt	PROSECUTION	2
10-19-2006	LET.	Miscellaneous Incoming Letter	PROSECUTION	1
07-30-2006	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	4
07-30-2006	FOR	Foreign Reference	PRIOR ART	19
07-30-2006	FOR	Foreign Reference	PRIOR ART	12
07-30-2006	N417	EFS Acknowledgment Receipt	PROSECUTION	2
11-14-2005	TRNA	Transmittal of New Application	PROSECUTION	4
11-14-2005	136A	Authorization for Extension of Time all replies	PROSECUTION	4
11-14-2005	SPEC	Specification	PROSECUTION	17
11-14-2005	CLM	Claims	PROSECUTION	1
11-14-2005	ABST	Abstract	PROSECUTION	1
11-14-2005	DRW	Drawings-only black and white line drawings	PROSECUTION	1
11-14-2005	OATH	Oath or Declaration filed	PROSECUTION	4
11-14-2005	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
11-14-2005	A.PE	Preliminary Amendment	PROSECUTION	2
11-14-2005	SPEC	Specification	PROSECUTION	1
11-14-2005	CLM	Claims	PROSECUTION	2
11-14-2005	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
11-14-2005	FR TRANS	Translation of Foreign Priority Documents	PROSECUTION	51
11-14-2005	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	51
11-14-2005	371P	Documents submitted with 371 Applications	PROSECUTION	2
11-14-2005	371P	Documents submitted with 371 Applications	PROSECUTION	4
11-14-2005	371P	Documents submitted with 371 Applications	PROSECUTION	2
11-14-2005	371P	Documents submitted with 371 Applications	PROSECUTION	3
11-14-2005	371P	Documents submitted with 371 Applications	PROSECUTION	3
11-14-2005	371P	Documents submitted with 371 Applications	PROSECUTION	17

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## Exhibit 2

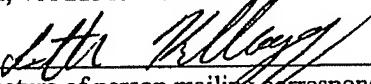
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ATTORNEY DOCKET NO. 50304/112001

Certificate of Mailing: Date of Deposit: February 27, 2008

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Seth Kellogg

Printed name of person mailing correspondence

  
Signature of person mailing correspondence

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Saint-Remy et al.	Confirmation No.:	9175
Serial No.:	10/556,851	Art Unit:	1644
371(c) Date:	February 1, 2006	Examiner:	Michael E. Szperka
Customer No.:	21559		
Title:	VARIABLE ANTIBODIES		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### REPLY TO RESTRICTION REQUIREMENT

In reply to the Restriction Requirement that was mailed in connection with the above-captioned case on January 25, 2008, Applicants elect the invention of Group I, claims 34-45 and 47. The election is made with traverse.

The Office states that the inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, they lack a special technical feature over Jacquemin et al. (WO 01/04269; hereafter "Jacquemin") in view of Co et al. (U.S. Patent No. 5,714,350; hereafter "Co"). The Office states that Jacquemin discloses "the KRIX-1 antibody that binds FVIII;" Co discloses that "therapeutic antibodies are to comprise modified glycosylation to improve therapeutic

efficiency;" and that "it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the glycosylation of the KRIX-1 antibody to gain the advantages disclosed by Co et al." (Office Action, page 2). Applicants respectfully disagree and submit that the combination of Jacquemin and Co do not teach or suggest the invention of the claims 34-57.

Co teaches modification of the glycosylation pattern of the variable region of an antibody in order to alter (increase) the affinity of the immunoglobulin for its corresponding antigen (*see*, for e.g., the title of the application, "Increasing Antibody Affinity by Altering Glycosylation in the Immunoglobulin Variable Region"). The method of Co is of interest for increasing the therapeutic potential of the antibody. Accordingly, application of Co to the antibodies described in Jacquemin, would result in antibodies having increased affinity.

The present invention, however, relates to antibodies with modified glycosylation in the variable domain in which the binding affinity of the unmodified antibody is *maintained*. This is apparent from the specification, which describes the definition of a modified antibody according to the invention as follows (page 16, lines 1-4): A "modified antibody" or "modified antibody fragment" as used herein refers to an antibody, which in comparison to the wild-type antibody, is different with respect to its size, more particularly, which is different either with respect to its glycosylation[,] but with a *similar affinity* to its ligand as the wild-type antibody." (Emphasis added.) Moreover, the feature of maintaining affinity is recited in claim 34:

34. An antibody or fragment thereof which is a modified antibody or modified fragment of an inhibitory antibody against FVIII, characterized in that the glycosylation of its variable region has been modified and in that it has substantially the same affinity to FVIII compared to the native antibody. (Emphasis added.)

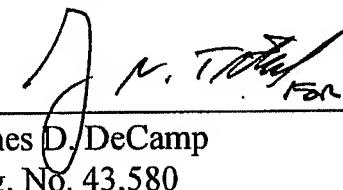
The aim of the modification of the antibodies according to the claimed invention is to ensure a reduced inhibition of factor VIII activity, while maintaining substantially the same affinity for factor VIII compared to the native antibody.

Co, alone or in combination with Jacquemin, fails to teach or suggest that modification of the glycosylation of an antibody can result in reduced inhibition of the activity of the target protein (against which the antibody is directed), while maintaining substantially the same affinity of the antibody for the target. Co, in fact, teaches away from the present invention by suggesting glycosylation necessarily affects binding affinity. Accordingly, as Co and Jacquemin, alone or in combination, fail to disclose or suggest the single general concept encompassed by the pending claims, the restriction requirement should therefore be withdrawn.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 27 February 2008

  
\_\_\_\_\_  
James D. DeCamp  
Reg. No. 43,580

*J. D. DeCamp*  
\_\_\_\_\_  
Reg. No. 52,290

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045



TJFJW

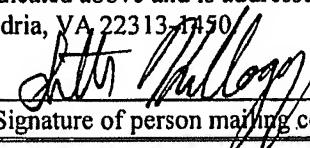
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Seth Kellogg

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Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Saint-Remy et al.

Confirmation No.: 9175

Serial No.: 10/556,851

Art Unit: 1644

371(c) Date: February 1, 2006

Examiner: Michael E. Szperka

Customer No.: 21559

Title: VARIABLE ANTIBODIES

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136, Applicants hereby petition that the period for replying to the Restriction Requirement that was mailed in connection with the above-captioned application on January 25, 2008 be extended for 1 month, to and including March 25, 2008.

03/04/2008 MGBREW1 00062001 10556051

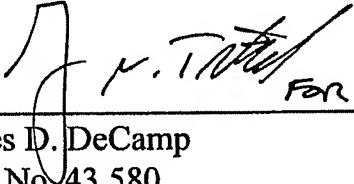
01 FC:2251

60.00 OP

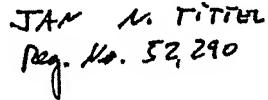
Enclosed is a check for \$60.00 for the fee required by 37 C.F.R. § 1.17(a). If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 27 February 2008

  
\_\_\_\_\_  
James D. DeCamp

Reg. No. 43,580

  
\_\_\_\_\_  
James M. Titter  
Reg. No. 52,290

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

### Exhibit 3

**\*\*\*PROSECUTION\*\*\***Attorney Docket Number: 50304/112001

The U.S. PTO date stamp sets forth the date of receipt of:

Applicant/Patentee: Saint-Remy et al.371(C) Date: 10/556,851Filed/Issued: February 1, 2006Title: VARIABLE ANTIBODIES

<input type="checkbox"/> Transmittal Letter	Pages: _____	<input type="checkbox"/> Declaration & POA	Pages: _____
<input type="checkbox"/> Notice to File Missing Parts	Pages: _____	<input type="checkbox"/> Assignment & Cover Sheet	Pages: _____
<input type="checkbox"/> Reply to Missing Parts	Pages: _____	<input type="checkbox"/> Change of Address	Pages: _____
<input type="checkbox"/> Reply to Office Action	Pages: _____	<input type="checkbox"/> Preliminary Amendment	Pages: _____
<input checked="" type="checkbox"/> Petition for Extension	Pages: <u>2</u>	<input checked="" type="checkbox"/> IDS	Pages: <u>2</u>
<input type="checkbox"/> Notice of Appeal	Pages: _____	<input checked="" type="checkbox"/> Form PTO-1449	Pages: <u>4</u>
<input type="checkbox"/> Appeal Brief	Pages: _____	<input checked="" type="checkbox"/> Cited References	Number: <u>42</u>
<input type="checkbox"/> Drawings Formal/Informal	Pages: _____	<input type="checkbox"/> Sequence Listing	Pages: _____
<input type="checkbox"/> M-Fee Payment	Pages: _____	<input type="checkbox"/> Sequence Statement	Pages: _____
<input type="checkbox"/> Issue Fee Transmittal Form	Pages: _____	<input type="checkbox"/> Sequence Diskette	Number: _____
<input checked="" type="checkbox"/> Check	\$: <u>60.00</u>	<input type="checkbox"/> Application Data Sheet	Pages: _____
<input checked="" type="checkbox"/> Other <u>Reply to Restriction Requirement</u>			
<input type="checkbox"/> Other _____			
<input type="checkbox"/> Other _____			

Atty/Secy: JDD/TAR/sikMatter Name: C2949-USDate: 02/27/2008

## Exhibit 4

CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

EXPLANATION	AMOUNT

35-80-442  
7541

PAY  
AMOUNT  
OF

DATE: 3/3/01 TO THE ORDER OF: DIRECTOR OF PATENTS & TRADEMARKS

DESCRIPTION: 503041/12001

DOLLARS: 741 \$ 60.00

CHECK  
AMOUNT

*[Handwritten Signature]*

0007541 00440008046 041113051386\*

00000006000\*

[Redacted]

1015000268



## Exhibit 5

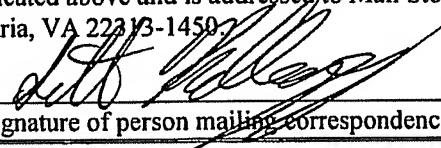
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Seth Kellogg  
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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Saint-Remy et al.

Confirmation No.: 9175

Serial No.: 10/566,851

Art Unit: 1644

371(c) Date: February 1, 2006

Examiner: Michael E. Szperka

Customer No.: 21559

Title: VARIABLE ANTIBODIES

Mail Stop Amendment  
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### INFORMATION DISCLOSURE STATEMENT

Applicants submit the references listed on the enclosed Form PTO-1449, copies of which are enclosed, with the exception of U.S. patents and U.S. patent application publications. A copy of a search report from a corresponding international application is also enclosed.

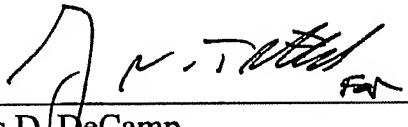
Submission of this statement is not a representation that a search has been made, nor is the inclusion of information in this statement an admission that the information is material to patentability.

This statement is being filed before the receipt of a first Office Action on the merits.

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03-2095.

Respectfully submitted,

Date: 27 February 2008

  
James D. DeCamp  
Reg. No. 43,580

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

*JAN M. RITTER  
Reg. No. 52,290*



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SUBSTITUTE FORM PTO-1449 (MODIFIED)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket No. 50304/112001
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Serial No. 10/556,851
		Applicant Saint-Remy et al.
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(37 C.F.R. § 1.98(b))		

U.S. PATENT DOCUMENTS			
Examiner's Initials	Document Number	Publication Date	Patentee or Applicant
	US 5,602,015	Feb. 11, 1997	Sudhir
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	US 7,067,313	Jun. 27, 2006	Jacquemin et al.
	2003/0175268	Sept. 18, 2003	Saint-Remy et al.

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION				
Examiner's Initials	Document Number	Publication Date	Country or Patent Office	Translation (Yes/No)
	EP 0 822 255 A2	Feb. 4, 1998	E.P.O.	
	WO 97/26010 A1	Jul. 24, 1997	W.I.P.O.	
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	International Preliminary Report on Patentability for PCT/BE2004/000118 dated December 2, 2005.

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